

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, HELEN
MCDONALD, and THE ESTATE OF CHERRIGALE
TOWNSEND,

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS,
SONY/ATV MUSIC PUBLISHING, LLC, and
WARNER MUSIC GROUP CORPORATION, d/b/a
ASYLUM RECORDS

Defendants.

ECF CASE

17-cv-5221 (LLS)

**NOTICE OF MOTION –
DEFENDANTS’ EIGHTH
MOTION *IN LIMINE***

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Donald S. Zakarin and the Exhibits annexed to it and the accompanying Memorandum of Law, Defendants Edward Christopher Sheeran, Atlantic Recording Corporation and Sony Music Publishing (US) LLC (f/k/a Sony/ATV Music Publishing LLC) will move this Court, before the Honorable Louis L. Stanton at the Daniel Patrick Moynihan United States Courthouse, Courtroom 21C, 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an Order:

- (i) precluding Plaintiffs from arguing – or offering any testimony or “evidence” – that the selection and arrangement of unprotectable elements in *Let’s Get It On* (“LGO”) includes the composition’s key signature of E flat major, as set forth in their Proposed Finding of Fact No. 1 in the Liability Pretrial Order (“Liability PTO”);
- (ii) precluding Plaintiffs from offering any testimony or “evidence” that compares the *Let’s Get It On* deposit copy (“Deposit Copy”) to the Marvin Gaye sound recording of *Let’s Get It On* (“LGO Sound Recording”), as set forth in their Proposed Findings of Fact Nos. 9, 10 and 11 in the Liability PTO;

- (iii) precluding Plaintiffs from offering any testimony or “evidence” that addresses the purported bass line or drum part in *Thinking Out Loud* (“TOL”) or that otherwise compares those elements in TOL to LGO, as set forth in their Proposed Findings of Fact Nos. 3, 13 and 14 in the Liability PTO; and
- (iv) excluding Plaintiffs’ Proposed Exhibits 103, 108 and 128.

Oral argument, if any shall be directed by the Court, shall be held on a date and at a time designated by the Court.

Dated: New York, New York
March 15, 2023

PRYOR CASHMAN LLP

By: /s/ Donald S. Zakarin

Donald S. Zakarin

Ilene S. Farkas

Andrew M. Goldsmith

Brian M. Maida

7 Times Square

New York, New York 10036-6569

Telephone: (212) 421-4100

Facsimile: (212) 326-0806

Attorneys for Defendants

TO:

Frank & Rice, P.A.

325 West Park Avenue

Tallahassee, Florida 32301

(850) 629-4168

Attorneys for Plaintiffs